

May 4, 2006

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Re: *Notice of Oral Ex Parte Presentation*  
CC Docket No. 94-102

Dear Ms. Dortch:

On May 3, 2006, Ronald L. Ripley, Senior Vice President and General Counsel, Dobson Cellular Systems, Inc. ("Dobson"), together with outside counsel Adam Krinsky and the undersigned, had meetings with Bruce Gottlieb, Legal Advisor to Commissioner Copps, and Barry Ohlson, Senior Legal Advisor to Commissioner Adelstein. Separately, Mr. Krinsky had a telephone conversation with Fred Campbell, Legal Advisor to Chairman Kevin Martin, on May 2, 2006, and Mr. Movshin had a telephone conversation with Aaron Goldberger, Legal Advisor to Commissioner Tate on May 4, 2006. The parties discussed the substance of Dobson's Request for Limited Waiver of the E911 rule requiring 95 percent ALI-capable handset penetration by December 31, 2005.

Dobson's waiver request involves only a transaction-specific market conversion from CDMA operations to a GSM network; Dobson does not seek relief for an E911 handset-based CMRS network that will operate long-term. In December 2004 Dobson, a Tier II GSM carrier, acquired the assets of a Tier III CMRS provider out of bankruptcy – 9 markets with CDMA systems and 25,000 customers. Dobson overlayed a GSM network in each market, providing superior coverage and more features than the legacy CDMA network. In July 2005, Dobson began an aggressive campaign to encourage legacy CDMA customers to transition to the GSM service. For example, Dobson offered free or \$0.99 GSM handsets along with a rate plan comparable or superior to the customer's current plan and engaged in several direct marketing campaigns. By year's end, Dobson migrated nearly half of the subscribers off of the CDMA network, and it sought relief from the 95 percent rule to allow a reasonable time for it to migrate the remaining legacy CDMA subscribers. As of April 30, 2006, Dobson has now successfully migrated approximately 18,000 of the 25,000 legacy customers off of the CDMA network.

The Commission has recognized "that the transition from one air interface to another takes time to implement" and thus interim relief from E911 Phase II benchmarks is warranted

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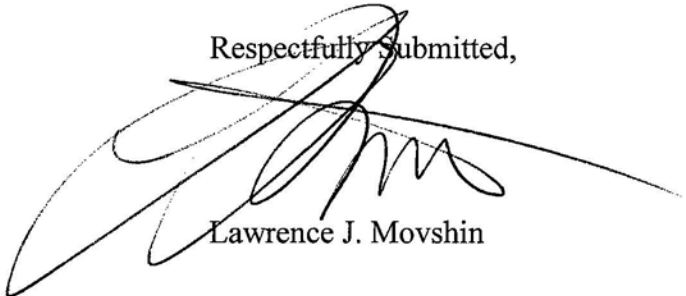
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where a Tier III carrier demonstrates a path to full compliance.<sup>1</sup> Dobson's circumstances likewise warrant relief. Because these markets include vacation areas, Dobson remains hopeful that many of these customers will choose to migrate during the peak vacation/summer months. Dobson therefore requested relief from the rule through December 31, 2006 to allow these legacy subscribers a reasonable opportunity to consider their alternatives without the immediate risk of losing service. As Dobson noted in its request, however, it intends to discontinue all subscribers' service on the CDMA network at the end of the year because the long-term operation of the two technologies cannot be cost justified and is spectrally inefficient.

Dobson confirmed in the meetings that it chose the December 31, 2006 date to provide legacy customers a longer period of time to voluntarily migrate off the CDMA network, but Dobson's interest in continued operations is outweighed by its strong desire to avoid any decision or action related to a finding of non-compliance with the FCC's E911 rules. To that end, Dobson is prepared, if required, to accelerate the date of CDMA service discontinuance to avoid action related to non-compliance with the rules, consistent with appropriate customer notification practice regarding service discontinuance once the FCC has announced its decision on Dobson's waiver request. In the meantime Dobson is continuing its aggressive GSM marketing efforts – it is now offering to double legacy CDMA customers' minutes for life with select GSM plans and a free GSM phone.

If you have any questions, please contact the undersigned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Lawrence J. Movshin', is written over the typed name. The signature is stylized with a large, sweeping initial 'L' and 'M'.

Lawrence J. Movshin

cc: Mr. Fred Campbell  
Mr. Bruce Gottlieb  
Mr. Barry Ohlson  
Mr. Aaron Goldberger  
Ms. Cathy Seidel  
Mr. Jim Schlichting  
Mr. Michael Wilhelm  
Ms. Angela Giancarlo

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<sup>1</sup> *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, E911 Phase II Compliance Deadlines for Tier III Carriers*, 20 FCC Rcd. 7709, ¶ 80 (2005); see also *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, E911 Compliance Deadlines for Non-Nationwide Tier III CMRS Carriers*, 18 FCC Rcd. 20987, ¶ 27 (2003).